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5                   **UNITED STATES DISTRICT COURT**  
6                   **DISTRICT OF NEVADA**

7                   CHARLES DAVIS,  
8  
9                   *Plaintiff,*

10                  vs.

11                  SHERIFF DOUGLAS GILLESPIE, *et al.*

12                   *Defendants.*

2:13-cv-01257-JAD-NJK

13                   ORDER

14                  This removed *pro se* prisoner civil rights suit comes before the Court on plaintiff's  
15 motion (#15) for an extension of time and further on a preliminary review of the complaint.

16                  Plaintiff seeks an extension of time to file "initial disclosures, amended pleadings and  
17 added parties, etc." because he is able to access the prison law library allegedly for only two  
18 hours per week. It does not appear that plaintiff was under any deadline at the time that the  
19 motion was filed. The case is pending for screening such that a scheduling order has not  
20 issued herein, and this type of action otherwise is not subject to the initial-disclosure  
21 requirements of Rule 26 of the Federal Rules of Civil Procedure. See Fed. R. Civ. Pro.  
22 26(a)(1)(B)(iv). The extended period sought in any event has elapsed. The motion therefore  
23 will be denied without prejudice as both unnecessary and moot.

24                  In denying the motion, the Court notes that plaintiff at all times remains responsible for  
25 calculating the application limitations period(s) and timely asserting claims. Neither this order,  
26 any deadline established herein, nor any extension thereof signifies any implied finding by the  
27 Court of a basis for tolling during the time period established. That is, in setting any deadline  
28 to amend the complaint and/or in granting any extension thereof in this action, the Court

1 thereby makes no finding or representation that the complaint, any amendments thereto,  
2 and/or any claims contained therein are not subject to dismissal as untimely. *Cf. Sossa v.*  
3 *Diaz*, 729 F.3d 1225, 1235 (9<sup>th</sup> Cir. 2013).

4 In conducting preliminary review of the complaint, it appears that the copy of the  
5 complaint on file in this removed matter is not signed. Pursuant to Rule 11(a), the Court will  
6 afford plaintiff an opportunity to file a signed complaint. If plaintiff does not do so timely, the  
7 complaint will be stricken and the matter will be dismissed without further advance notice.

8 IT THEREFORE IS ORDERED that plaintiff's motion (#15) for an extension of time is  
9 DENIED without prejudice as unnecessary and moot.

10 IT FURTHER IS ORDERED that the Clerk of Court shall SEND plaintiff a copy of the  
11 complaint (filed with #1) – with the docket number stamped or written on the copy – and that  
12 plaintiff shall have **thirty (30) days** within which to sign the copy and return it to the Clerk for  
13 filing. The current complaint will be stricken and the action will be dismissed without further  
14 advance notice if plaintiff does not timely return a signed copy of the complaint to the Clerk  
15 for filing.<sup>1</sup>

16 DATED: April 25, 2014

17   
18 NANCY J. KOPPE  
19 United States Magistrate Judge

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28 <sup>1</sup>The Clerk shall file the returned signed copy notwithstanding that the pleading is captioned for the  
state court in this removed action.